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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,859	06/29/2001	William Ronald Greenwood	GREN001	9031

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D'AMBROSIO & ASSOCIATES
Suite 930
2925 BRIAR PARK
Houston, TX 77042

EXAMINER

ARYANPOUR, MITRA

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,859

Applicant(s)

GREENWOOD, WILLIAM RONAL

Examiner

Mitra Aryanpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The finality of the rejection of the last Office action has been withdrawn in view of the newly discovered reference to Gruttemeler (DE 37 04 150 A1). The indicated allowability of claim 6 is also withdrawn in view of the newly discovered reference to Gruttemeler (DE 37 04 150 A1). Rejections based on the newly cited reference(s) follow. The Examiner regrets any inconvenience that this may have caused the applicant.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gruttemeler (DE 37 04 150 A1).

Regarding claim 1, Gruttemeler shows a training apparatus comprising a dummy horse (1) and at least one movable ball-receiving surface (17) located adjacent to and below. NOTE: The recitation of *a polo training apparatus* and *a horse riding training apparatus* has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152,

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88 USPQ 478, 481 (CCPA 1951). Regarding the limitation a ball-receiving surface, the surface (17) of Gruttemeler can receive a ball or any other element.

Regarding claims 2 and 3, Gruttemeler shows at least on ball-receiving surface (17) located on one side of the dummy horse (1); wherein the one ball-receiving surface (17) is displaceable in a direction substantially parallel to the fore/aft direction of the dummy horse (see figure 1; also page 3, claim 12.).

Regarding claim 6, see the comments for claim 1, additionally Gruttemeler shows the ball-receiving surface comprises one run of an endless conveyor belt (17; see page 8, lines 11-15).

Regarding claims 7-9, Gruttemeler shows the dummy horse (1) is displaceable and moving in a reciprocating motion, wherein the dummy horse is movable to simulate the movement of a real horse (see page 7, lines 7-21).

Regarding claims 10-12, Gruttemeler additionally shows the speed of movement of the dummy horse (1) is a function of the speed of the ball-receiving surface (17) or vice versa, and is directly proportional to one another (see page 8, lines 11-20).

Regarding claim 14, Gruttemeler further shows the platform (3) has an inclined surface (step 19 which is at 90 degree angle with the top of the platform) adjacent to the ball-receiving surface.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 13, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruttemeler (DE 37 04 150 A1).

Regarding claims 4 and 5, Gruttemeler is silent as to the having a plurality of ball-receiving surfaces to the sides and below the dummy horse (1). It would have been an obvious matter of design choice to modify the Gruttemeler reference by positioning a ball-receiving surface on both sides of the dummy horse, since it would give a more realistic feel to the rider to moving with respect to the ball-receiving surface.

Regarding claim 13, as best seen in figure 1, Gruttemeler shows that the platform (3) which includes the dummy horse (1) and the moving ball-receiving surface (17) is connected to a switch box (16), the drive for the guide rods (5) can be made up of a cam plate (note: a cam is an eccentric or multiply curved wheel mounted on a rotating shaft, used to produce variable or reciprocating motion in another engaged or contacted part); (see page 14, lines 4-19). Gruttemeler does not show the driving means to be an electric motor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have motorized the game device of Gruttemeler, since it has been held that broadly providing a mechanical or automatic means to replace manual activity, which has accomplished the same result, involves only routine skill in the art. In re Venner, 120 USPQ 192.

Regarding claim 15, Gruttemeler does not expressly indicate if the training apparatus is placed within an enclosure. However, often times whether it is a simulated horse or a real horse the training takes place within an enclosed rink, and it would have been obvious to do the same

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here. It is noted that Gruttemeler provides two mirrors (12 and 13) on two sides of the dummy horse (see figure 1).

Regarding claim 16, when using the training device of Gruttemeler indoors, the enclosed rink is considered here to be the cage.

6. Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenwood (5,429,515).

Regarding claim 17, Greenwood ('515) discloses a training apparatus comprising a dummy horse having a substantially rigid frame (12) and a body portion (12) which includes the head (22) and neck (20) pivotally mounted on the body portion (12), whereby the body portion can pivot from side to side, the neck portion pivots with respect to the body portion and the head portion pivots with respect to the neck portion (see column 3, lines 27-42; and column 4, lines 49-53).

Regarding claims 18 and 19, Greenwood further shows a biasing means for biasing the body portion towards a central position; wherein the biasing means comprises springs (see column 4, lines 3-16).

7. Claims 24-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Greenwood (5,429,515). See comments for claims 17-19 and the specification and drawings in its entirety.

8. Claims 20-23, 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwood (5,429,515) in view of Gruttemeler (DE 37 04 150 A1).

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Regarding claims 20 and 21, Greenwood ('515) shows pressure sensors (96, 96a and 96b) positioned on the simulated horse (see column 5, lines 35-45) that respond to pressure from the whip of a rider. Gruttemeler shows the simulated horse (1) has sensors positioned on the neck (4a), saddle (7) and sides (feet and knee area) of the dummy horse (sensors 10, 11 and 9 respectively) so that pressure is detected from one or more parts of the rider's body. As it is well known and also taught by Gruttemeler, the aforementioned areas are common pressure-point areas for the rider to control and maneuver the horse. Therefore it would have been obvious in view of Gruttemeler to have provided sensors in these same areas for the simulated horse of Greenwood in order to realistically simulate a real horse so that the rider can get the maximum training in controlling the horse.

Regarding claim 22, Greenwood shows a display means for indicating the correct whipping area by the rider (see column 6, lines 15-33). Greenwood does not show the display means to also indicate the rider's correct posture. Additionally, Gruttemeler shows measuring or sensing means (9, 10 and 11) for determining the particular posture of a rider and displays the results on the display unit (16; see page 6, lines 8-19). It would have been obvious in view of Gruttemeler to include a display means that would additionally detect the rider's correct posture for the apparatus of Greenwood, since the aforementioned feature would be extremely useful in the proper training of the rider.

Regarding claim 23, Greenwood shows the display means comprises lights (see column 6, lines 19).

Regarding claim 27 and 28, see the comments for claims 20 and 21.

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Regarding claims 29-31, Greenwood as modified above teaches that pressure sensors can be placed on any "critical" points on the dummy horse. The Gruttemeler reference also shows the speed can be adjusted using a control mechanism, and shows the sensors (9, 10, 11) to be wireless (see figure 1). It would have been obvious in view of Gruttemeler to provide a wireless connection for the feet area and the head area of the dummy horse of Greenwood in order to be able to manipulate the speed, and it would have been obvious to apply the same here. It is old and well known that a rider would press down on the stirrup with his feet and tighten up the rein when wanting to increase the speed of the horse, and would loosen up the rein and be in a more relaxed position when wanting to slow down.

Response to Arguments

9. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

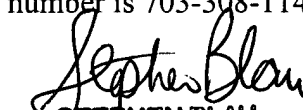
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 703-308-3550. The examiner can normally be reached on Monday - Friday 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

MA
14 November 2003


STEPHEN BLAU
PRIMARY EXAMINER